

**BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO**

JAY-R MINCHEW,

Claimant,

v.

K. C. CONSTRUCTION, INC.,

Employer,

and

LIBERTY NORTHWEST INSURANCE  
CORPORATION,

Surety,  
Defendants.

**IC 02-012003**

**ORDER**

Filed: November 23, 2005

Pursuant to Idaho Code § 72-717, Referee Rinda Just submitted the record in the above-entitled matter, together with her proposed findings of fact and conclusions of law, to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with this recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant is entitled to medical care for his left shoulder, on an as-needed basis, to the extent that the need for additional care can be causally related to his distal clavicle resection or to his labral tear repair;
2. In lieu of an award of disability in excess of impairment, Claimant is entitled to

retraining benefits, including TTDs, tuition, books, and supplies for a period of 180 days, commencing from the date of the Commission's final order in this proceeding;

3. Claimant has received all income benefits to which he was entitled during his period of recovery;

4. Claimant is entitled to a permanent partial impairment rating of 6% of the whole person for his left distal clavicle resection, which amount has already been paid by Defendants. Claimant is not entitled to any permanent partial impairment for his right shoulder;

5. The Commission declines to consider retaining jurisdiction during the period of retraining benefits for the reason that the issue was not raised in a timely manner.

6. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all matters adjudicated.

DATED this 23 day of November, 2005.

INDUSTRIAL COMMISSION

Participated but did not sign  
Thomas E. Limbaugh, Chairman

/s/\_\_\_\_\_  
James F. Kile, Commissioner

/s/\_\_\_\_\_  
R.D. Maynard, Commissioner

ATTEST:

/s/\_\_\_\_\_  
Assistant Commission Secretary

### **CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2005, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

THOMAS B AMBERSON  
PO BOX 1319  
COEUR D'ALENE ID 83816-1319

MONTE WHITTIER  
HARMON WHITTIER & DAY  
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djb

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